

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	Nos. 2:20-cr-374-7-RJC
	)	2:23-cv-707-RJC
	)	
v.	)	Judge Robert J. Colville
	)	
RANDY CAMACHO,	)	
	)	

**ORDER OF COURT**

The Court having previously held in abeyance Mr. Camacho’s Motion to Vacate, Set Aside, or Correct Sentence so that the Federal Public Defender’s Office could conduct a review of the Motion, and the Court now having been informed that the Federal Public Defender’s Office will not be filing a counseled motion on Mr. Camacho’s behalf, the Court will now consider the relief requested in Mr. Camacho’s Motion. The Motion clearly seeks relief under 18 U.S.C. § 3582(c)(2) due to the passage of Amendment 821, which took effect in November of 2023. Mr. Camacho’s sentence, however, was not based on a guideline range that was subsequently lowered by the Sentencing Commission due to the passage of Amendment 821. Mr. Camacho’s criminal history category of VI would be unchanged by the application of Amendment 821 because his criminal convictions described in the Presentence Investigation Report, to which neither party objected, result in a subtotal criminal history score of 13. A criminal history score of 13 establishes a criminal history category of VI with or without the additional “status points” added because Mr. Camacho committed the offense of conviction while under a “criminal justice sentence.” The effect of Amendment 821 would be to reduce Mr. Camacho’s criminal history score from 15 to 14, but it

would have no effect on the Guideline range of 51-63 months. Accordingly, he is not entitled to relief under 18 U.S.C. § 3582(c)(2), and his Motion is denied. The Court believes it is in the interest of efficiency to address this issue at this juncture, without the benefit of a response, but should either party wish to be further heard on this issue, the Court enters this Order without prejudice to revisiting the issue should further briefing be submitted.

s/Robert J. Colville  
Robert J. Colville  
United States District Judge

Date: March 4, 2024

cc:

All counsel of record

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